

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

DEBORAH HARRIS,	§	No.
	§	
Plaintiff,	§	
	§	
v.	§	
	§	
PORTFOLIO RECOVERY ASSOCIATES,	§	
LLC,	§	
	§	
Defendant.	§	

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, DEBORAH HARRIS (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiff is a natural person residing in Converse, Bexar County, Texas.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is an alleged debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Norfolk, Virginia.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant is attempting to collect a debt from Plaintiff on behalf of the original creditor, World Financial Network National Bank, with an account number ending in 9125.
12. Plaintiff's alleged debt owed to World Financial Network National Bank arises from transactions for personal, family, and household purposes.
13. On May 25, 2010, Plaintiff's counsel faxed a cease and desist and a notice of representation letter to Defendant (Plaintiff's counsel's letter to Defendant and fax confirmation are attached as Group Exhibit A).
14. Despite receiving Plaintiff's counsel's letter (Exhibit A), Defendant communicated with Plaintiff after May 25, 2010, in an attempt to collect a debt (Defendant's letter to Plaintiff

dated February 1, 2011, is attached as Exhibit B).

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(a)(2) of the FDCPA by communicating with Plaintiff even though Defendant knew Plaintiff was represented by an attorney.
- b. Defendant violated §1692c(c) of the FDCPA by communicating with Plaintiff after Defendant received Plaintiff's cease and desist letter.

WHEREFORE, Plaintiff, DEBORAH HARRIS, respectfully requests judgment be entered against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC, for the following:

- 16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
- 18. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, DEBORAH HARRIS, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

KROHN & MOSS, LTD.

By: /s/ Michael S. Agruss

Michael S. Agruss (CA SBN: 259567)

Krohn & Moss, Ltd.

10474 Santa Monica Blvd., Suite 401

Los Angeles, CA 90025

Tel: 323-988-2400 x235

Fax: 866-583-3695

magruss@consumerlawcenter.com

Attorneys for Plaintiff

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, DEBORAH HARRIS, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, DEBORAH HARRIS, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4-22-2011

Date

Deborah G. Harris
DEBORAH HARRIS

EXHIBIT A

Debt Counsel for Seniors & the Disabled



May 25, 2010

BY FAX ONLY: 757-321-2504

Page 1 of 3

Collections Manager
Portfolio Recovery Associates, LLC
120 Corporate Blvd
Norfolk, VA 23502

Re: **Deborah Harris**
Your file or reference No.: Catherine's: Ending In 9125
Our file No.: 10861

To Whom It May Concern:

Please be advised that my law firm represents the above-referenced client(s) for the purpose of enforcing their rights pursuant to all applicable federal debt collection laws. Debt Counsel for Seniors and the Disabled exclusively represents clients who are senior citizens, disabled or both and whose only income (e.g. social security, disability, etc.) is protected by federal law. This client regrets not being able to pay however, at this time they are insolvent as their monthly expenses exceed the amount of income they receive.

This letter serves as notice that my client hereby **disputes** the above-referenced alleged debt and requests **validation** of it in accordance with **15 U.S.C. § 1692g**. Please provide the name and address of the original creditor, if different from the current creditor. Unless and until this validation is furnished, we do not recognize any right on your part to collection any amount from our client through credit reporting or any other means. Please be advised that the continuation of collection activity without adequately responding to the validation request, could result in a lawsuit against you pursuant to **15 U.S.C. § 1692g(b)**.

As the client's attorney, I respectfully inform you that you must **cease** contacting them pursuant to **15 U.S.C. § 1692c(a)(2) and 1692c(c)**. I have attached a signed **cease and desist** order from my client(s). If and when you violate these statutes, I will not hesitate to pursue with local co-counsel all legal remedies on behalf of my client(s).

Sincerely,

Jerome S. Lamet
Supervising Attorney
Debt Counsel for Seniors and the Disabled

Cc: Deborah Harris

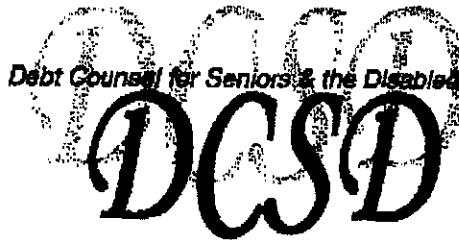
Jerome S. Lamet, Supervising Attorney
The Pontiac Building
542 South Dearborn
Suite 1260
Chicago, Illinois 60605
V: (312) 939-2221
F: (312) 939-27411

TRANSMISSION VERIFICATION REPORT

TIME : 05/25/2010 10:47
NAME : JEROME LAMET LTD
FAX : 13123563199
TEL : 13129392221
SER.# : BROD8J797996

DATE, TIME
FAX NO./NAME
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May 25, 2010

BY FAX ONLY: 757-321-2504

Page 1 of 3

Collections Manager
Portfolio Recovery Associates, LLC
120 Corporate Blvd
Norfolk, VA 23502

Re: Deborah Harris
Your file or reference No.: Catherine's Ending in 9125
Our file No.: 10861

To Whom It May Concern:

Please be advised that my law firm represents the above-referenced client(s) for the purpose of enforcing their rights pursuant to all applicable federal debt collection laws. Debt Counsel for Seniors and the Disabled exclusively represents clients who are senior citizens, disabled or both and whose only income (e.g. social security, disability, etc.) is protected by federal law. This client regrets not being able to pay however, at this time they are insolvent as their monthly expenses exceed the amount of income they receive.

This letter serves as notice that my client hereby ~~disputes~~ the above-referenced alleged debt and requests validation of it in accordance with 15 U.S.C. § 1692g. Please provide the name and address of the original creditor, if different from the current creditor. Unless and until this validation is furnished, we do not recognize any right on your part to collection any amount from our client through credit reporting or any other means. Please be advised that the continuation of collection activity without adequately responding to the validation request, could result in a lawsuit against you pursuant to 15 U.S.C. §1692g(b).

As the client's attorney, I respectfully inform you that you must ~~cease~~ contacting them pursuant to 15 U.S.C. § 1692o(a)(2) and 1692c(c). I have attached a signed ~~cease and desist~~ order from my client(s). If and when you violate these statutes, I will not hesitate to pursue with local

EXHIBIT B

February 01, 2011

BALANCE: \$1,362.14

Now is the time to **RESOLVE** this debt. We want to help you. **ACT NOW** and save up to **\$272.14**. These savings won't last long, so call us today and take care of this debt.

- o Your first payment must be received **NO LATER** than **02/28/2011**.
- o Your account will be considered "Settled in Full" after your final payment is posted

We've helped many people resolve their debt, let us help you. CALL NOW and take advantage of the **INCREDIBLE SAVINGS** we are offering you. Our representatives are ready to help you resolve your account!

We are ready to help you resolve this debt!
Just call **1-800-772-1413** before 02/28/2011 to discuss the
AFFORDABLE PAYMENT OPTIONS that are available to you.
730 AM to 11 PM Mon.-Fri. 8 AM to 5 PM Sat. 2 PM to 9 PM Sun.

Mail all checks and payments to:
PORTFOLIO RECOVERY ASSOCIATES, LLC
P.O. Box 12914
Norfolk VA 23541

Make your payment online!
www.portfoliorecovery.com

***We are not obligated to renew this offer.**

Company Address: Portfolio Recovery Associates, LLC, 120 Corporate Boulevard, Norfolk, VA 23502

Disputes Correspondence Address: 140 Corporate Boulevard, Norfolk, VA 23502 or E-mail: PRA_Disputes@portfoliorecovery.com

Credit Card Payments - Third party vendors may charge a transaction fee for processing payments made by credit card; however, PRA does not charge or accept any fees. Please discuss this option with our staff if you have any questions.

PRIVACY NOTICE

We collect certain personal information about you from the following sources: (a) information we receive from you; (b) information about your transactions with our affiliates, others, or us; (c) information we receive from consumer reporting agencies. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic information about you to those employees and entities that need to know that information in order to collect your account. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**This letter is from a debt collector and is an attempt to collect a debt.
Any information obtained will be used for that purpose.**

Quality Service Specialists available Mon. - Fri. 8 AM to 5 PM (EST)

Not happy with the way you were treated? Our company strives to provide professional and courteous service to all our customers. Contact one of our staff to discuss issues related to our quality of service to you by phone at



Portfolio Recovery Associates, LLC.
We're giving debt collection a good name.

February 01, 2011

WORLD FINANCIAL NETWORK NATL BANK
CATHERINES
WORLD FINANCIAL NETWORK NATL BANK
PRA Account/Reference No: 6278000040139125
BALANCE: \$1,362.14

2011 SAVINGS PLAN!

Now is the time to **RESOLVE** this debt. We want to help you. **ACT NOW** and save up to \$272.14. These savings won't last long, so call us today and take care of this debt.

Single Payment Settlement Option	\$193.00 Monthly Payment Plan	\$102.00 Monthly Payment Plan
<ul style="list-style-type: none"> • Pay \$1,090.00 • Save \$272.14 	<ul style="list-style-type: none"> • Pay \$193.00 for 6 consecutive months • Save \$204.14 	<ul style="list-style-type: none"> • Pay \$102.00 for 12 consecutive months • Save \$138.14

- Your first payment must be received **NO LATER** than 02/28/2011.
- Your account will be considered "Settled in Full" after your final payment is posted.

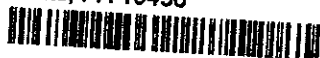
We've helped many people resolve their debt, let us help you. **CALL NOW** and take advantage of the **INCREDIBLE SAVINGS** we are offering you. Our representatives are ready to help you resolve your account!

↑ TO OPEN THIS SIDE - SLIDE FINGER UNDER THIS EDGE ↑

Mr.
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Dr
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Dept 6541
PO Box 1259
Oaks, PA 19456



"SEE REVERSE SIDE FOR EASY OPENING INSTRUCTIONS"

FIRST-CLASS MAIL
PRESORTED
US POSTAGE
PAID
PSC

DEBORAH HARRIS
CONVERSE TX 78109-3275

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